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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. C.J.

Writ Petition (C) No.5318 of 2007

Petitioner — Ralas Hotel Private Limited Raipur, (Private Company Registered under Companies Act)
Through : Its Director, Shri Manish Raj Singhaniya, S/o. Shri Rajkamal Singhaniya, aged about 38 years, R/o. 15/480, Civil Lines, Raipur, District Raipur (C.G.)

(PLAINTIFF)

Versus

Respondents

1) Smt. Chandra Devi Nachrani, W/o. Shri Mohan Lal Nachrani, aged about 52 years.

2) Anil Kumar Nacharani, S/o. Mohan Kumar Nachrani, aged about 35 years.

Both R/o. P.S. -4, Panchshil Nagar, Raipur, Tah. & Distt. Raipur (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Shri A.K. Prasad, counsel for the petitioner.

ORAL ORDER

(Passed on 07th September, 2007)

The petitioner had filed a Civil Suit for declaration and permanent injunction along with an application under Order 39, Rule 1 & 2 of the Code of Civil Procedure for temporary injunction. The temporary injunction was refused. Aggrieved by the said order the petitioner filed an appeal which too was dismissed. Aggrieved by the same the petitioner has approached this Court under Article 227 of the Constitution of India.

Learned counsel for the petitioner has emphatically argued certain disputed questions of facts and wants this Court to show interference in

the impugned order. The dispute raised by the petitioner before this Court is that he sold his property to M/s. Rani Constructions and M/s Prithvi Consultants who thereafter further sold the land in question to the defendants. The defendants have not occupied the land which was purchased by them but they are occupying the land of the petitioner. The petitioner had in fact the remedy available for demarcation under the Chhattisgarh Land Revenue Code and further I find that the petitioner failed to make an application for appointment of Commissioner who after being appointed could have gone for verification of the disputed possession of the defendants. Moreover, the actual remedy available to the petitioner is to move an application before the Revenue Authorities for demarcation of land. I am afraid that under Article 227 of the Constitution of India this Court can go to the extent of disputed question of possession for which the petitioner wants this Court to show interference which cannot be allowed as it is nothing but the disputed question of fact.

In view of above, this Court of the opinion that no interference is warranted in the impugned order. Accordingly, the writ petition is dismissed.

Sd/-
Acting Chief Justice

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